



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM:

THE HON'BLE MR.JUSTICE S.S.SUNDAR
and
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P. (MD) No.5056 of 2020
and
W.M.P. (MD) No.4382 of 2020

Peri.Muthiah

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Sivagangai District.
- 2.The Inspector,
Boomithana Board,
Sivagangai District.
- 3.The Village Administrative Officer,
Kollankudi Village,
Sivagangai District.
- 4.Meignanamoorthy
Village Panchayat President,
Kollankudi Village,
Sivagangai District.
- 5.Arockiyam,
Panchayat Clerk,
Kollankudi Village,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take action against the respondents 4 and 5 to prevent the illegally occupy the petitioner's land in Survey No.170/6B2, Kollankudi Village, Sivagangai District.

For Petitioner : Mr.I.Saliya Khan

For Respondents : Mr.D.Muruganantham,
A.G.P. For RR1 to 3
Mr.R.Murugan, G.A. For R4



O R D E R

(Order of the Court was made by **S.S.SUNDAR, J.**)

WEB COPY This petition is filed seeking direction to the 1st respondent to take action against the respondents 4 and 5 in preventing them from illegally occupying the petitioner's land in Survey No.170/6B2, Kollankudi Village, Sivagangai District.

2.The case of the petitioner is that the property measuring an extent of 2.50 acres in S.No.170/6B2, Kollankudi Village, Sivagangai District belongs to the Chennai Maanila Bhoomithana Board. It is his further contention that the Boomithana Board allotted the said nanja land to persons, who are below the poverty line. It is also the further case of the petitioner that the said land was allotted to the petitioner by Boomithana Board, Virudhunagar. Stating that the petitioner is in possession and enjoyment of the land by putting up a small house in the said property, the petitioner has come forward with this petition under the pretext that the respondents 4 and 5 are trying to disturb the possession and enjoyment of the petitioner. The petitioner though stated that the land originally belongs to the Boomithana Board and that the said land was allotted to the petitioner by the Board, no such proceeding or order or assignment is produced before this Court to show that the land was allotted by the Boomithana Board and it is registered in the name of the petitioner.

3.The petitioner has produced before this Court a communication dated 12.02.2001 indicating that the Inspector of Boomithan has given a communication to the Taluk Surveyor that the property which is identified to be allotted should be measured and plan should be prepared. The Inspector of Boomithan has earlier given a communication to the Village Administrative Officer to issue certain certificates to show that the property can be given in favour of the petitioner. Except these two communications, no record is available to show that the land was ever allotted to the petitioner.

4.The petitioner has impleaded only the Inspector of Boomithana Board. It appears that the 2nd respondent has issued some letters to help the petitioner to claim title and enjoyment on the basis of the communication issued by him in 2000 and 2001. The petitioner has not impleaded the Boomithana Board, which is the authority, entitled to deal with the property, which vest with the Boomithana Board under Tamil Nadu Bhoodan Yagna Act, 1958 and Rules framed under the Act.

5.Be that as it may, the petitioner's grievance in the present writ petition is that the respondents 4 and 5 have grabbed some portion of the property which was in the enjoyment of the petitioner for forming playground. If the petitioner has any grievance against



the respondents 4 and 5, who may not have any right in respect of the land vest with Boomithana board, it is open to him to file a civil suit against respondents.

6. In matters like this, the petitioner having pleaded a false case that he got an allotment by Boomithana Board, this Court is not inclined to entertain this writ petition showing any indulgence.

7. Now, the learned Additional Government Pleader, on instructions, stated that the property viz., the land in Survey No.170/6B2, Kollankudi Village, Sivagangai District is a land vested with Boomithana Board. It is also stated before this Court that the Board has never allotted this land to the petitioner. The petitioner though is in possession of a small portion of the property by putting up construction, we cannot presume that the petitioner is in enjoyment of the whole land or that he is entitled to claim right as an allottee under the Board.

8. In such circumstances, we are not inclined to entertain this writ petition. Accordingly, this writ petition is dismissed. However, it is open to the petitioner to approach the Boomithana Board for allotment of lands, if he is otherwise entitled to. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (C.S.II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Arul

To

1. The District Collector,
Collector Office,
Sivagangai District.

2. The Inspector,
Boomithana Board,
Sivagangai District.

3. The Village Administrative Officer,
Kollankudi Village,
Sivagangai District.



4.The Village Panchayat President,
Kollankudi Village,
Sivagangai District.

5.The Panchayat Clerk,
Kollankudi Village,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-11063[F] dated 11/03/2020)

+1 CC to M/s.I.SALIYAKHAN, Advocate (SR-10892[F] dated 10/03/2020)

Order made in
W.P. (MD) No.5056 of 2020
and
W.M.P. (MD) No.4382 of 2020
Dated:10.03.2020

PU(07/05/2020) 4P 8C